

REMARKS

In response to the above-identified Office Action ("Action"), Applicant submits the following remarks and seek reconsideration thereof. Claims 1-5 are withdrawn. In the instant response, no claims are amended, no claims are added and no claims are cancelled. Accordingly, Claims 6-10 are pending.

The instant application is directed to a method of manufacturing a distributed analog phase shifter, the method comprising, depositing a ferroelectric film on a substrate, etching the ferroelectric film to form ferroelectric patterns, depositing a metal layer on the substrate on which the ferroelectric patterns are formed; and forming a coplanar waveguide, first electrodes, a ground line, and second electrodes by etching the metal layer, wherein the first electrodes and the second electrodes are formed such that portions of the first electrodes and second electrodes overlap with the ferroelectric pattern, respectively.

I. Amendments

Applicant respectfully submits herewith an amendment to the specification in which the reference character "115" is included after the recitation of a metal layer to correspond to element 115 illustrated in Figure 3D. The amendment is submitted to overcome the Examiner's objection to the drawings on the basis that the drawings include characters not included in the specification.

Applicant respectfully submits herewith an amendment to claim 6 in which the spelling of "ferroelectric" recited on line 5 is corrected. Applicant has further amended claim 6 to clarify that the coplanar waveguide, first electrodes, a ground line, and second electrodes are formed by etching the metal layer "covering the ferroelectric patterns."

Since the amendments do not add new matter and are supported by the specification, Applicant respectfully requests consideration and entry of the attached amendments.

II. Election/Restriction

Applicant respectfully affirms the election of Group II, claim 6-10 in the previous response as noted by the Examiner.

III. Drawing Objection

In the outstanding Action, the Examiner objects to drawing 3D on the basis that the drawing includes a reference character, "115", not included in the specification. As discussed above, Applicant has amended the specification to recite "a metal layer 115" as illustrated in Figure 3D.

The Examiner further objects to the drawings alleging reference character "150" is used to designate the indigitated capacitor shown in Figure 4C whereas in Figure 4A "150" designates the space spanning adjacent IDCs. Applicant respectfully disagrees with the Examiner. The line extending from "150" in Figure 4A terminates at an IDC between the signal line 120 and ground plane 130. IDC 150 may include electrodes 125, 135 and film 140. See Application, Figure 2. Figure 4C merely shows an enlarged view of these portions of 150, not a space as suggested by the Examiner. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the objection to the drawings on this basis.

IV. Claim Rejections – 35 U.S.C. §102(e)

A. In the outstanding Office Action, claims 6 and 7 stand rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent No. 6,069,729 issued to Gill et al ("Gill"). Applicant respectfully traverses the Examiner's rejection for at least the following reasons.

It is axiomatic that to anticipate a claim, every element of the claim must be disclosed within a single reference. *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

In regard to claim 6, Applicant respectfully submits Gill fails to teach at least the elements of forming a coplanar waveguide, first electrode, ground line, and second electrode by etching the metal layer covering the ferroelectric patterns. The Examiner alleges Gill teaches forming a co-planar waveguide in col. 3, lines 29-30, col. 4, lines 20-22 and col. 8, line 66 to col. 9, line 9. The Examiner further alleges figures 23, 24, 27-29 and column 15, lines 11-44 of Gill teach depositing a metal layer and etching the layer to form a ground plane, first electrode and second electrode. Applicant has reviewed these portions of the references and is unable to discern where forming a coplanar waveguide by patterning a metal layer deposited on a substrate having formed ferroelectric patterns is taught. Instead, as is illustrated generally in Figures 20 and 21, waveguides are found within the ferroelectric layer prior to patterning the ferroelectric layer and depositing a metal layer. Thus, for at least the foregoing reasons, Gill fails to teach each and every element of claim 6. Since each element of claim 6 is not taught by Gill, anticipation may not be found. Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. §102 over Gill.

In regard to claim 7, claim 7 depends from claim 6 and incorporates the limitations thereof. Thus, for at least the reason that Gill fails to anticipate claim 6, Gill further fails to anticipate claim 7. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 6 under 35 U.S.C. §102 over Gill.

V. Claim Rejections – 35 U.S.C. §103(a)

A. The Examiner rejects Claim 8 under 35 U.S.C. 103(a) as being unpatentable over Gill. Applicant respectfully traverses the rejection for at least the following reasons.

To render a claim obvious, the relied upon references must disclose every limitation of the claim such that the invention as a whole would have been obvious at the time the invention was made to one skilled in the art. MPEP §2143. Furthermore, there must be a showing of suggestion or motivation to modify or combine the

teachings of those references. *In re Rouffet*, 149 F.3d 1350, 1357, 47 USPQ2d 1453, 1457-58 (Fed. Cir. 1998).

Claim 8 depends from claim 6 and incorporates the limitations thereof. For at least the reasons discussed above, Gill fails to teach or suggest at least the element of forming a coplanar waveguide, first electrode, ground line, and second electrode by etching the metal layer deposited on the substrate on which the ferroelectric patterns are formed found in claim 8. Since Gill fails to teach or suggest each and every element of claim 8, a *prima facie* case of obviousness may not be established. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejection of claim 8 under 35 U.S.C. §103 over Gill.

B. The Examiner rejects Claims 9 and 10 under 35 U.S.C. 103(a) as being unpatentable over Gill in view of Whatmore et al (U.S. Patent Application Publication 2002/118079 ("Whatmore"). Applicant respectfully traverses the rejection for at least the following reasons.

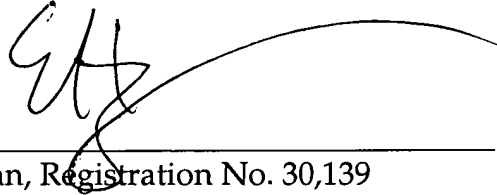
In regard to claims 9 and 10, claim 9 and 10 depends from claim 6 and incorporates the limitations thereof. For at least the reasons discussed above, Gill fails to teach or suggest at least the element of forming a coplanar waveguide, first electrode, ground line, and second electrode by etching the metal layer covering the ferroelectric patterns as required by claims 9 and 10. The Examiner has not pointed to and Applicant is unable to discern a portion of Whatmore curing the deficiencies of Gill with respect to this element. Since neither Gill nor Whatmore, alone or in combination, teach or suggest each and every element of claims 9 and 10, a *prima facie* case of obviousness may not be established. In view of the foregoing, Applicant respectfully requests reconsideration and withdrawal of the rejection of claims 9 and 10 under 35 U.S.C. §103 over Gill in view of Whatmore.

CONCLUSION

In view of the foregoing, it is believed that all claims now pending patentably define the subject invention over the prior art of record, and are in condition for allowance and such action is earnestly solicited at the earliest possible date. If the Examiner believes that a telephone conference would be useful in moving the application forward to allowance, the Examiner is encouraged to contact the undersigned at (310) 207 3800.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP



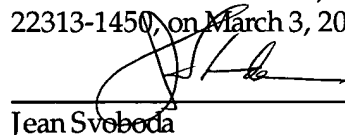
Dated: March 3, 2006

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CERTIFICATE OF MAILING:

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Mail Stop Amendment, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on March 3, 2006.


Jean Svoboda